

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD C. KELLEY	:	CIVIL ACTION
	:	
v.	:	
	:	
STAFF OF GRATERFORD PRISON &	:	
COMMONWEALTH OF PENNSYLVANIA	:	NO. 02-3795

ORDER

AND NOW, this 16th day of July, 2002, upon consideration of the "Petition for a Writ of Mandamus" filed by Edward C. Kelley, an inmate of Graterford Prison, and the Court finding that we have no authority to grant a "writ of mandamus" against the Commonwealth or against officials of the Commonwealth, and Kelley's filing does not state a claim, it is hereby ORDERED that the Petition is DISMISSED under 28 U.S.C. § 1915(e)(2)¹ and the Clerk shall CLOSE this civil action statistically.

BY THE COURT:

Stewart Dalzell, J.

¹ We decline to grant leave to amend because the relief Kelly seeks, mandamus against the Commonwealth and unnamed "staff" of the state correctional institution, is beyond our power, and thus amendment would be futile to him. Grayson v. Mayview State Hospital, No. 99-3980, slip op. (3d Cir. June 7, 2002). Similarly, to the extent Kelley takes exception to his transfer to Graterford and to his lack of separation from unnamed correctional officers, he has not explained his failure to exhaust the administrative remedies available to him. See Booth v. Churner, 532 U.S. 731 (2001).